

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) Crim. No. 05-10003-NMG
)
DEEB HOMSI,)
)
)
Defendant.)

ASSENTED TO MOTION FOR A CONTINUANCE

The United States of America, by and through the undersigned attorneys, hereby moves for a continuance of the sentencing date in this matter for a period of 180 days beyond its currently scheduled date.

In support of this motion, the government states that the defendant pled guilty in the above-referenced case on December 16, 2005 and is currently scheduled to be sentenced on April 30, 2008. However, the defendant's plea agreement requires the defendant to cooperate with the United States. It is anticipated that the defendant will testify in the case *United States v. Arthur Gianelli, et al.*, Crim. No. 05-10003-NMG, a multi-defendant racketeering case. There has been voluminous discovery in that case, and a substantive motion schedule has been set, with defense motions due on February 29, 2008 and the government's responses due on April 10, 2008. Once those motions are resolved, the trial itself will last for several months. Thus, that case will not be resolved by the currently scheduled sentencing date for this defendant.

The plea agreement requires the government to file a substantial assistance motion if the government determines that the defendant has provided substantial assistance. Since the *Gianelli* trial has not yet occurred, the government is not presently in a position to file such a motion, and the defendant therefore is not currently in a position to benefit from that portion of his plea agreement.

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The government will not be in a position to determine whether it should file a substantial assistance motion until the *Gianelli* case is resolved by trial or otherwise.

Accordingly, the government respectfully requests that the sentencing of this defendant be continued for 180 days beyond the current date, so that the new sentencing date will be on or about October 30, 2008.

The defendant assents to a continuance of his sentencing for the reasons set forth above.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ MICHAEL L. TABAK
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ Michael L. Tabak
MICHAEL L. TABAK
Assistant United States Attorney

Date: February 21, 2008